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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,054	11/20/2000	Teruyuki Uchihara	PADE:054	8850

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Parkhurst & Wendel LLP
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EXAMINER

CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/715,054

Applicant(s)

UCHIHARA ET AL.

Examiner

Bob Chevalier

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-10 is/are allowed.
- 6) ☒ Claim(s) 1,6 and 11 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/20/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) Claim 11 is unclear since the independent claim 6 from which the present claim 11 is depended from does not recite a recording apparatus as indicated in the present claim 11. It is to be noted that claim 6 is a method claim not an apparatus claim.

Clarification is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yoshinori et al (JP. 408009322A).

Yoshinori discloses an image monitoring recording/reproducing system that shows all the limitations recited in claim 1, including the feature of receiving video image from a surveillance camera system and recording said video image (See Yoshinori's paragraph entitled "CONSTITUTION", lines 1-11), and the feature of thinning the recorded video signal in accordance with passage of time of the recorded video image to output the thinned video image and the recorded video image as specified in the present claim 1. (See Yoshinori's paragraph entitled "CONSTITUTION", lines 15-24,

where it is disclosed that the recorded signal from the recording means 8 is reproduced and thinned out; and the thinned out video image of the recorded video image is output to the display means during intermittent drive reproduction).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinori et al (JP408009332A) in view of Official Notice.

Yoshinori et al discloses an image monitoring system that shows substantially the same limitations recited in claims 6, and 11, including the feature of recording on a recording medium video image data. (See Yoshinori's paragraph entitled "CONSTITUTION", lines 1-11).

Yoshinori et al fails to specifically disclose the feature of generating and attaching time data to the frames of the video image to be recorded on the recording medium as specified in the present claims 6, and 11.

Examiner takes Official Notice in that It is notoriously well known in the video recording/reproducing art to have time information (such as time stamp information) being generated and supplied to the video signal to be recorded on the recording medium as specified in the present claims 6, and 11. Such time stamp information is used, for example, to increase the accuracy in reproducing and in decoding such a recorded video signal at reproduction time.

It would have been obvious to one skilled in the art to modify the Yoshinori et al's recording/reproducing apparatus wherein the recording means provided thereof would incorporate the capability of generating and attaching time data to the frames of the video signal to be recorded on the recording medium in the same conventional manner as is well known in the prior art. Examiner has taken Official Notice. The motivation is to increase the accuracy of the reproduction and decoding operation of the recorded video signal at reproduction time, thereby increase the quality of the reproduced video signal as suggested in the prior art.

7. Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 7-10 contain allowable subject matter over the prior art of record.

9. The following is a statement of reasons for the indication of allowable subject matter:

The claimed invention is directed to a video image recording apparatus. The independent claim identifies the feature of the "thinning means for thinning said video image in one of the plurality of recording means while said one of said recording means is not used for recording the video image, the plurality of recording means are respectively used for recurrently record the video image". The closest prior art, Yoshinori et al discloses a conventional video monitoring system, either singularly or in combination fails to anticipate or render the above underlined limitations obvious.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kogane et al discloses a surveillance video camera system.

Tanaka discloses a monitoring recording/reproducing system.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 703-305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
September 6, 2004.


ROBERT CHEVALIER
PRIMARY EXAMINER